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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,772	03/07/2002	Mark Melvin Butterworth	10011181-1	2557

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EXAMINER

PERUNGAVOOR, SATHYANARAYA V

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/092,772	BUTTERWORTH, MARK MELVIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sath V. Perungavoor	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 07 March 2002.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5)  Notice of Informal Patent Application (PTO-152)  
 6)  Other: \_\_\_\_\_.

## DETAILED ACTION

### *Duty of Disclosure*

The following is a quotation of the appropriate paragraphs of 37 CFR 1.56:

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

- Examiner advises the applicant(s) to disclose any patents and/or applications that may be material to a double patenting rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakabayshi [US 5,675,672].

Regarding claim 1, Nakabayshi meets all the claim limitations, as follows:

A method of generating an electronic text file from a paper-based document that includes a plurality of characters, the method comprising [*Figure 3*]: capturing a plurality of partially overlapping digital images of the document [*56 and 60 on Figure 3, Column 5 Lines 19-39: First file (first image) and second file (second image) are overlapping.*]; performing optical character recognition on each one of the plurality of captured digital images, and thereby generating a corresponding plurality of electronic text files, each one of the electronic text files including a portion of the plurality of characters in the document [*58 and 62 on Figure 3*]; comparing the plurality of electronic text files with one another to identify characters that are in common between the electronic text files [*Column 5 Lines 36-39*]; and combining the plurality of electronic text files into a combined text

file based on the comparison, wherein the combined text file includes the plurality of characters in the document [*Column 5 Lines 57-60*].

Regarding claim 2, Nakabayshi meets all the claim limitations, as follows:

The method of claim 1, and further comprising: storing order information representing the order in which the plurality of digital images were captured [*Column 4 Lines 45-48*].

Regarding claim 3, Nakabayshi meets all the claim limitations, as follows:

The method of claim 2, wherein the comparison of the plurality of text files is based on the stored order information [*Column 4 Lines 54-58*].

Regarding claim 4, Nakabayshi meets all the claim limitations, as follows:

The method of claim 1, wherein the plurality of digital images are captured with a digital camera, the method further comprising: providing direction information indicative of the direction of movement of the digital camera during the capture of the plurality of digital images [*Column 4 Lines 45-48, Column 6 Lines 53-54*].

Regarding claim 5, Nakabayshi meets all the claim limitations, as follows:

The method of claim 1, wherein the plurality of digital images are captured with a digital camera, the method further comprising: automatically detecting direction information indicative of the direction of movement of the digital camera during

the capture of the plurality of digital images [*Column 4 Lines 45-48, Column 6 Lines 53-54: Disclosed method stores scan data in the order received and this is performed automatically without manual intervention. Resulting order is the direction.*].

Regarding claim 6, Nakabayshi meets all the claim limitations, as follows:

The method of claim 1, wherein the plurality of digital images are captured automatically at a predefined time interval [*Column 6 Lines 53-54: The scanner meets this limitation.*].

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakabayshi in view of Honma [US 6,304,313].

Regarding claim 7, Nakabayshi discloses the claim limitations, as follows:

an image sensor for generating a plurality of partially overlapping digital images based on optical images directed onto the image sensor by the lens [*120 on Figure 7, 56 and 60 on Figure 3, Column 5 Lines 19-39: First file (first image)*

*and second file (second image) are overlapping.], and a controller coupled to the image sensor and configured to perform optical character recognition on the plurality of digital images, and thereby generate an electronic text file for each one of the plurality of digital images, the electronic text file for each digital image including text appearing in the digital image, the controller configured to identify overlapping text between electronic text files and stitch the text in the plurality of text files together based on the identified overlapping text [110 on Figure 7, 58 and 62 on Figure 3, Column 5 Lines 36-39, Column 5 Lines 57-60].*

Nakabayshi does not explicitly disclose the following claim limitations:

A digital camera comprising: a lens;

However, in the same field of endeavor Honma discloses the deficient claim limitations, as follows:

A digital camera comprising: a lens [*Title, Column 13 Lines 20-21*];

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of Nakabayshi with Honma to use a digital camera with lens for document stitching, since digital cameras provide small-sized convenience not present in desktop scanners [*Honma Column 1 Lines 26-30*].

Regarding claim 8, Nakabayshi meets all the claim limitations, as follows:

The digital camera of claim 7, and further comprising: a memory for storing order information representing the order in which the plurality of digital images were captured [*112 and 114 on Figure 7, Column 4 Lines 45-48*].

Regarding claim 9, Nakabayshi meets all the claim limitations, as follows:

The digital camera of claim 7, and further comprising: an input device for inputting direction information indicative of the direction of movement of the digital camera while the plurality of digital images are being captured [*Column 4 Lines 43-48*].

Regarding claim 10, Nakabayshi meets all the claim limitations, as follows:

The digital camera of claim 7, and further comprising: a motion detector for automatically detecting direction information indicative of the direction of movement of the digital camera during the capture of the plurality of digital images [*Column 4 Lines 43-48: Disclosed method stores scan data in the order received and this is performed automatically without manual intervention. Resulting order is the direction.*].

Regarding claim 11, Nakabayshi meets all the claim limitations, as follows:

The digital camera of claim 7, wherein the controller is configured to cause the plurality of digital images to be captured automatically at a predefined time interval [*Column 6 Lines 53-54*].

Regarding claim 12, Nakabayshi meets the claim limitations, as follows:

a display screen for displaying images captured with the digital camera [*116 on Figure 7*];

All residual limitations of this claim is set forth and rejected as per discussion for claim 7.

Regarding claim 13, Nakabayashi and Honma meet the claim limitations, as follows:

The electronic device of claim 12, wherein the electronic device is one of a cellular telephone, a personal digital assistant device, and a laptop computer [*A laptop computer is notoriously well-known. OFFICIAL NOTICE.*].

Regarding claims 14-17 all claimed limitations are set forth and rejected as per discussion for claims 8-11.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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